

Mayor Patrick L. McCrory
Nancy G. Carter
Harold Cogdell, Jr.
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Don Lochman
James E. Mitchell, Jr.

Mayor Pro Tem Patrick De'Angelo Cannon
Patrick Mumford
Sara S. Spencer
John Tabor
Lynn Wheeler
Joe White

CITY COUNCIL ZONING AGENDA

Monday, November 18, 2002

5:00PM – Council/Manager Dinner
Meeting Chamber Conference Room

6:00PM – Zoning Decisions
Meeting Chamber

DECISIONS

- 1. Petition No. 2002-84 (decision) by The Boulevard 2000, LLC** for a change in zoning for approximately .94 acres located at the southwest corner of Romany Road and Kenilworth Avenue.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

A protest petition was filed and was sufficient to invoke the ¾ majority-voting rule.

Attachment No. 1

- 2. Petition No. 2002-89 (decision) by Cambridge Properties, Inc** for a change in zoning for approximately 58 acres on the southeast corner of Eastfield Road and Prosperity Church Road.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

Two protest petitions were filed but both were withdrawn.

Attachment No. 2

- Petition No. 2002-90 (decision) by The City Attorney's Office** for a adoption of a text amendment to Section 6.110 "Hearing" to require that variances associated with a conditional rezoning be secured prior to the approval of the rezoning request.

The Zoning Committee voted unanimously to **DEFER** this text amendment to their November 2002 work session.

Attachment No. 3

- Petition No. 2002-93 (decision) by Richard Vinroot** for a change in zoning for approximately 0.52 acres located between North Brevard Street and Faison Avenue, north of Davidson Street.

The Zoning Committee voted unanimously to **DENY** this conventional district request.

The protest was withdrawn.

Attachment No. 4

- Petition No. 2002-97 (decision) by Jack Morgan** for a change in zoning for approximately 4.7 acres located at the northwest corner of Providence Road and Rea Road, on the east side of Old Providence Road.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition with the following modifications:

- Additional right-of-way along Providence Road and Rea Road will be dedicated and conveyed prior to the issuance of a building permit.
- A public street with a 50-foot right-of-way and 8 foot planting strip with a 6-foot sidewalk on both sides of the roadway will be constructed.
- A concrete bus stop pad will be provided along Providence Road.

A protest petition was filed but it has been removed.

Attachment No. 5

- Petition No. 2002-98 (decision) by Barry and Bridget Brush** for a change in zoning for approximately 4.95 acres located between Whitby Lane and Water Oak Road, north of North Sharon Amity Road.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

A protest petition was filed and was sufficient to invoke the ¾ majority-voting rule.

Attachment No. 6

- Petition No. 2002-103 (decision) by APS Investments, LLC** for a change in zoning for approximately 9.6 acres located on the southeast corner of Interstate 485 and Rocky River Road bounded by the Mecklenburg County Line to the east.

The Zoning Committee voted 52 to recommend **APPROVAL** of this petition with the stipulation that transportation issues be addressed prior to the City Council decision.

Attachment No. 7

- 8. Petition No. 2002-104 (decision) by Landcraft Properties, Inc.** for a change in zoning for approximately 35 acres located on the east side of Reames Road between Perimeter Parkway and Lakeview Road.

The Zoning Committee voted 61 to recommend **APPROVAL** of this petition, with the following modification:

- An 8-foot path will be cleared and mulched between the proposed townhouse units and the single-family homes.

Attachment No. 8

- 9. Petition No. 2002-108 (decision) by JDH Development** for a change in zoning for approximately 0.28 of an acre located at the northeast corner of Hawthorne Lane and East Seventh Street.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

Attachment No. 9

- 10. Petition No. 2002-109 (decision) by Mullaney, Grillo, Whitaker, McBroom** for a change in zoning for approximately 0.62 acres located between Davidson Street and Yadkin Avenue, east of Matheson Avenue.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition, with the following modification:

- Sidewalks along East 32nd Street and East 33rd Street do not have to be installed until the City's Neighborhood Improvement Project (NIP) has been completed. New sidewalks will only be required if specific trees are removed as a result of the NIP's installation of curb and gutter along the streets. In such case, sidewalks will only have to be four (4) feet wide due to existing site constraints. If specified trees are not removed, the sidewalk requirement is waived.

Attachment No. 10

- 11. Petition No. 2002-110 (decision) by Faison Enterprises, Inc.** for a change in zoning for approximately 154.5 acres on the north side of Reames Road, west of I-77.

The Zoning Committee voted to recommend **APPROVAL** of this petition **contingent upon resolution of the remaining outstanding transportation issues** and based upon the following modifications:

- Petitioner has agreed to utilize Low Impact Design improvements to reduce water quality pollution from runoff leaving this site.

- A pedestrian crossing to the Northcrest development will be constructed.
- CATS and the petitioner have reached agreement on the transit facilities and signage for those facilities.
- No tenant in the Village Sops portion of the site may exceed 50,000 square feet, eliminating any “big boxes”.
- Buildings in the Village portion of the site will be constructed to allow future placement of at least 150 dwelling units above the retail uses.

Attachment No. 11

- 12. Petition No. 2002-111 (decision) by Lincoln Harris, LLC** for a change in zoning for approximately 43.5 acres north of Vance Road and west of Point O’Wood Drive.

The Zoning Committee voted to recommend **APPROVAL** of this project **contingent upon resolution of the remaining transportation and water quality issues** and based upon the following modifications:

- Vehicular access between Building Envelope “D” and North Lake Boulevard has been eliminated.
- The full movement intersection from North Lake Boulevard into the site has been substituted with a leftover. Should a future full movement access be obtained elsewhere the petitioner would have the left-over removed.
- Vacancy mitigation measures have been included in the event the big box becomes vacant at some time in the future.
- Petitioner will dedicate, convey, and construct a greenway trail by 2012 at the latest.

Attachment No. 12

- 13. Petition No. 2002-114 (decision) by Landcraft Properties, Inc.** for a change in zoning for approximately 25 acres located on the north side of Freedom Drive at the intersection with Woodruff Place.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

Attachment No. 13

- 14. Petition No. 2002-115 (decision) by New Life Fellowship Center of Charlotte, Inc. and Mecklenburg County** for a change in zoning for approximately 22 acres located on the south side of Newland Road between Interstate 77 and Double Oaks Road.

The Zoning Committee voted unanimously to recommend **APPROVAL** of this petition.

Attachment No. 14

- 15. Petition No. 2002-117 (decision) by Kent Olson** for a change in zoning for approximately 14.5 acres located on the northeast corner of York Road and Erwin Road.

The Zoning Committee voted unanimously to recommend **APPROVAL of this petition.**

Attachment No. 15

- 16. Petition No. 2002-118 (decision) by Provonial Holdings, LLC** for a change in zoning for approximately 1.67 acres located on NC Hwy 49 at Whitehall Park Drive.

The Zoning Committee voted to recommend **APPROVAL** of this petition, with the following modifications:

- Screening will be provided around the detention pond.
- The floor area of the building has been corrected.

Attachment No. 16

- 17. Petition No. 2002-119 (decision) by Landcraft Properties, Inc.** for a change in zoning for approximately 12 acres located at the end of Oak Street, north of Polk and White Street, west of Mallard Creek Road.

The Zoning Committee recommended **APPROVAL**.

Attachment No. 17

HEARINGS

- 18. (A)** Hearing to consider designation of the property known as the “**Praise Connor Lee House**” listed under Tax Parcel Number 209-041-03 as March 2002 in the Mecklenburg County Tax Office and including the interior and exterior of the house and the parcel of land located within the boundaries of such tax parcel located at 3714 Country Ridge Road in Charlotte, North Carolina as a historic landmark.

(B) Adopt an ordinance designating the “**Praise Connor Lee House**” as historic landmark.

Attachment No. 18

- 19.** Public hearing to consider the annexation of eight areas: Parkway Plaza, Pleasant Grove, Sunset/Beatties Ford, Overlook, Long Creek, Marvin/Highway 521, Mallard Creek Church West, and Mallard Creek Church East.

Attachment No. 19

- 20. Petition 2002-33 (hearing).** (**Screening Requirement for Parking Lots in UMUD Districts**) to consider a text amendment to the City of Charlotte Zoning Ordinance to revise the screening requirements of the UMUD District in order to allow better visibility into parking lots for the safety of the public and for the protection of their vehicles parked in the lots. **Petitioner: Charlotte-Mecklenburg Police Department**

Attachment No. 20

- 21. Petition No. 2002-75 (hearing).** Change in zoning from R-3 to MX-2 for approximately 101.3 acres located on the south of Rocky River Road across from John Russell Road.
Petitioner: Centex Homes

Attachment No. 21

- 22. Petition No. 2002-83 (hearing).** Change in zoning from R-3, I-1, and I-1(CD) to MX-1 and O-1(CD) for approximately 76.4 acres located on the east side of Old Concord Road between Rocky River Road and Newell Hickory Grove Road. **Petitioner: Pulte Homes Corporation**

Attachment No. 22

- 23. Petition No. 2002-88 (hearing).** Change in zoning from R-3 single-family residential to MX-2, mixed used district for approximately 17.2 acres located on the north side of Ridge Road, east of Prosperity Church Road and west of Highland Creek Parkway.

The petitioner has requested this petition be WITHDRAWN. No public hearing was ever held on this petition.

Attachment No. 23

- 24. Petition No. 2002-112 (hearing).** Change in zoning from R-3 and B-1 to MX-2 Innovative for approximately 156.3 acres located between Old Concord Road and Back Creek Church Road, south of University City Boulevard (NC Hwy 49). **Petitioner: Portrait Homes Construction Company**

Attachment No. 24

- 25. Petition No. 2002-120 (hearing).** Change in zoning from R-4 to B-1 for approximately 0.824 acres located on the north side of Cindy Lane, east of Beatties Ford Road.
Petitioner: Muhammad Hasan

Attachment No. 25

- 26. Petition No. 2002-123 (hearing).** Change in zoning from R-4 to I-2 for approximately 1.98 acres located between Kendrick Avenue and Starita Road, east of Highland Avenue.
Petitioner: DLT, LLC

Attachment No. 26

- 27. Petition No. 2002-124 (hearing).** Change in zoning from UR-3 to MUDD for approximately 5.83 acres located at the southeast corner of West Fourth Street and South Cedar Street.
Petitioner: City of Charlotte

Attachment No. 27

- 28. Petition No. 2002-125 (hearing).** Change in zoning from R-22MF(CD) to R-22MF(CD) S.P.A. for approximately 16.82 acres located on the south side of Ridge Road, west of Prosperity Church Road. **Petitioner: The Mulvaney Group, LTD**

Attachment No. 28

- 29. Petition No. 2002-127 (hearing).** Change in zoning from R-3, R-12MF(CD), R-43MF and CC to CC and CC Site Plan Amendment for approximately 33 acres located between Interstate 85 and Mallard Creek Church Road, north of North Tryon Street.
Petitioner: Pinnacle Properties, LLC

Attachment No. 29

- 30. Petition No. 2002-128 (hearing).** Change in zoning from R-3 to URC(CD) for approximately 1.174 acres located on the east side of Park South Drive, north of Pine Valley Drive. **Petitioner: Park South, LLC**

A protest petition has been filed.

Attachment No. 30

- 31. Petition No. 2002-129 (hearing).** Change in zoning from R-17MF to MUDD-O for approximately 23 acres located on the northeast corner of Colony Road and Sharon Road.
Petitioner: Grubb Properties, Inc.

Attachment No. 31

- 32. Petition No. 2002-131 (hearing).** Change in zoning from R-3 to I-1(CD) for approximately 0.54 acres located on the west side of Reames Road, north of Northpark Boulevard.
Petitioner: Childress Klein Properties

Attachment No. 32

- 33. Petition No. 2002-132 (hearing).** Change in zoning from B-2 to MUDD(CD) for approximately 0.908 acres located between West Trade Street and West Fifth Street, north of Bruns Avenue. **Petitioner: Richard C. Fugua**

Attachment No. 33

- 34. Petition No. 2002-135 (hearing). (Extensions into Building Setback)** To allow for extensions into building setbacks within Urban Residential Districts similar to those allowed in the MUDD and UMUD districts. **Petitioner: The Boulevard at Graham Street, LLC**

Attachment No. 34

- 35. Petition No. 2002-136 (hearing).** Change in zoning from R-15PUD to UR-2(CD) for approximately 4.4 acres located at the southwest corner of Pineville-Matthews Road and Raintree Lane. **Petitioner: Corinthian International, Inc./Corinthian Properties**

Attachment No. 35